

In addition to the design that will be provided by EKONA, monies need to be allocated for the design of other specialty areas. The total estimated design costs are shown below:

- EKONA (basic service) \$257,000
- EKONA (reimbursable) \$ 25,000
- Hazardous Material Analysis \$ 5,000
- Furniture/Signage \$ 16,000
- Dispatch/Computer/Radio System (allowance)

It was, therefore, recommended that \$364,000 be appropriated for the total design of the Public Safety Building Remodel Project.

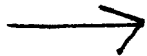
City Manager Flynn suggested the funding proposal of \$364,000 be from the General Fund Capital Outlay, which would include information systems funds, parking structure funds, Beckman Building funds, Police automated telephone system and salary savings from Police Department.

Following a lengthy discussion, the City Council, on motion of Council Member Warner, Pennino second, unanimously approved hiring the firm EKONA, of San Francisco, to prepare the plans and specifications for the Public Safety Building Remodel, authorized the City Manager to execute the appropriate agreements, and appropriated funds in accordance with the City Manager's recommendation.

12. ORDINANCES

None.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS



- a) Ken Owen, Christian Community Concerns, P.O. Box 367, Lodi, presented the City Council with the following letter.

"From time to time there are issues that come up outside the sphere of this Council that are either so important, or so wrong, or harmful to the overall well being of society as a whole that we feel an obligation to bring them to you in order to apprise you of their significance, and ask for your support in joining with us to make a statement. Tonight I want to bring one of those issues before you.

On January 22, at 10:00 a.m. in the County Courthouse, the Board of Supervisors will be voting on what we consider one of the greatest threats to religious freedom, and the First Amendment to our Constitution that we have ever had to fight in San Joaquin County.

It's called 'Special Use Regulations, Concerning Religious Assembly In The Agriculture Zones'.

1. The original ordinance calls for buffer zones to reduce any adverse effects to less than significant to the existing and potential agricultural uses in the vicinity. Adverse effects, less than significant, existing and potential? What do those terms mean, and who will define them? They can mean anything you want them to mean. They are too vague and ambiguous, and open to a wide range of interpretation to be of any value in determining the value of a project.
2. The site must have direct access to a collector or higher classification roadway in order to have no adverse impact on area agricultural enterprises. To make my point I will just simply ask you if you have ever been stuck behind a tomato truck?

3. The site must have direct access to a minor arterial or higher classification roadway to maintain acceptable levels of service, and does not adversely impact area agricultural enterprises. Again, this language is vague and ambiguous.
4. The site shall be within two miles of an urban community. This is the most frightening of all.

First of all we feel that this ordinance, if enacted would violate the first amendment of our Constitution, by putting unnecessary restraints on Churches that other entities do not have to adhere to.

Secondly, according to recent studies, Church growth has not kept pace with population growth in San Joaquin County. There is actually a shortage of Churches.

As of 1990 there were 270 Churches in the County, serving 36.7% of the County's population of 480,628. Since 1990 the County has grown by 12.5% with another 7.4% anticipated by the year 2002.

The Churches are having a difficult time raising enough money to pay for land costs, and adherence to county regulations as it is. If a two mile limit is placed on them, along with additional regulations that no one else has to adhere to, in my opinion it shows that the Board of Supervisors who vote for this ordinance are classifying Churches as undesirable neighbors, and are in fact prohibiting the free exercise clause of our Constitution."

Mayor Sieglock indicated that he agreed with Mr. Owen's position on this matter.

- b) Virginia Snyder, 303 Louie Avenue, Lodi, addressed the City Council regarding AB 849 which would limit alcohol outlets in communities. Further, Ms. Snyder passed out information which indicated off-sale and on-sale business in the City of Lodi presently and the number of such licenses that would be allowable under this Bill. Ms. Snyder also presented pictures of subject businesses located on East Lodi Avenue.

14. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) City Manager Flynn announced that January 4, 1998 was Jack Ronsko's birthday and extended best wishes to him. Further Mr. Flynn advised that his secretary, Barbara Reed, has a new display in the Carnegie Forum display cabinet showcasing Kathy Warner's bunny collection. Also, Mr. Flynn announced that Mrs. Reed has announced her retirement effective July 21, 1998.
- b) City Engineer Prima displayed a sample of the beautiful new street signs that will be used in the downtown area.
- c) Council Member Warner stated that downtown Lodi was as busy and active as he has ever seen it during the holiday season and urged the community to continue coming and shopping in the downtown area, because it does make a difference.
- d) Council Member Mann stated that at the last Council Meeting he had objected to the issuance of an Alcoholic Beverage Control (ABC) license to the Roundhouse Bar. He stated that the information that he had based this objection on was old and that the new owner is doing a good job. Mr. Mann stated that he feels that the City Council needs to take a stand in cases where vendors of alcohol do not control their patrons and would hope that the City would proceed with a process that would allow it to do this.

Christian Community Concerns

January 7, 1998

Dear Members of the Lodi City Council:

From time to time there are issues that come up outside the sphere of this council that are either so important, or so wrong, or harmful to the overall well being of society as a whole that we feel an obligation to bring them to you in order to apprise you of their significance, and ask for your support in joining with us to make a statement. Tonight I want to bring one of those issues before you.

On January 22, at 10:00 a.m. in the County Courthouse, the Board of Supervisors will be voting on what we consider one of the greatest threats to religious freedom, and the First Amendment to our Constitution that we've ever had to fight in San Joaquin County.

It's called "SPECIAL USE REGULATIONS, CONCERNING RELIGIOUS ASSEMBLY IN THE AGRICULTURE ZONES."

1. The original ordinance calls for buffer zones to reduce any ADVERSE EFFECTS to LESS THAN SIGNIFICANT to the EXISTING AND POTENTIAL agricultural uses in the vicinity.

Adverse effects, less than significant, existing and potential? What do those terms mean, and who will define them? They can mean anything you want them to mean.

They are too vague and ambiguous, and open to a wide range of interpretation to be of any value in determining the value of a project.

2. the site must have direct access to a collector or higher classification roadway in order to have NO ADVERSE IMPACT on area agricultural enterprises.

To make my point I will just simply ask you if you have ever been stuck behind a tomato truck?

3. the site must have direct access to a minor arterial or higher classification roadway to maintain acceptable levels of service, and DOES NOT ADVERSELY IMPACT area agricultural enterprises.

Again, this language is vague and ambiguous.

4. the site shall be within TWO MILES of an urban community.

This is the most frightening of all.

First of all we feel that this ordinance, if enacted would violate the first amendment of our Constitution, by putting unnecessary restraints on Churches that other entities do not have to adhere to.

Secondly, according to recent studies, Church growth has not kept pace with population growth in San Joaquin County. There is actually a shortage of Churches.

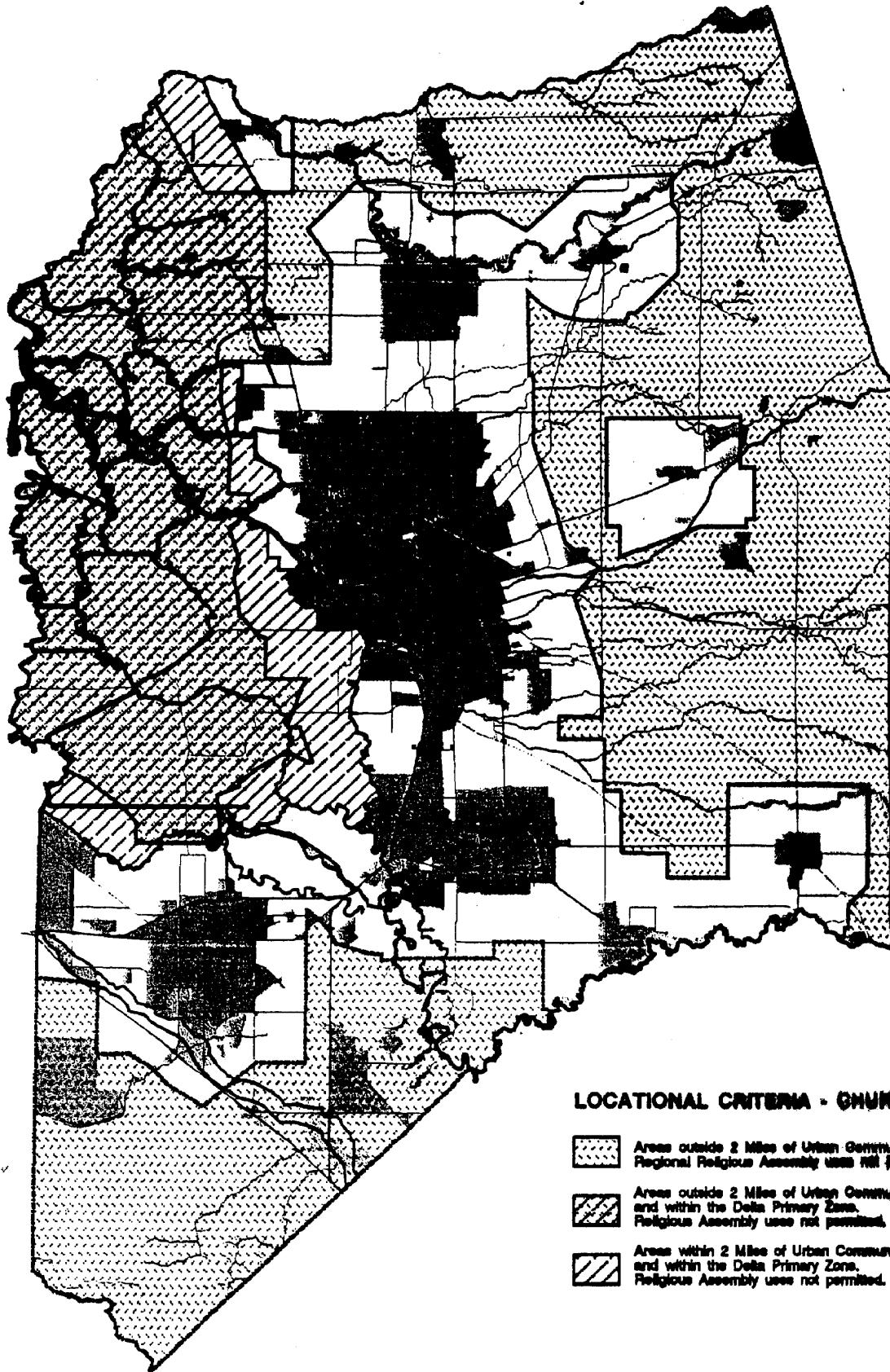
As of 1990 there were 270 Churches in the County, serving 36.7% of the County's population of 480,628. Since 1990 the County has grown by 12.5% with another 7.4% anticipated by the year 2002.

The Churches are having a difficult time raising enough money to pay for land costs, and adherence to county regulations as it is. If a two mile limit is placed on them, along with additional regulations that no one else has to adhere to, in my opinion it shows that the Board of Supervisors who vote for this ordinance are classifying Churches as undesirable neighbors, and are in fact prohibiting the free exercise clause of our Constitution.

Thank You



Ken Owen



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN RELATIVE TO SECTION 9-605.5, SPECIAL USE REGULATIONS, CONCERNING RELIGIOUS ASSEMBLY IN THE AGRICULTURAL ZONES.

The Board of Supervisors of the County of San Joaquin, State of California, do ordain as follows:

SECTION 1. Section 9-605.5, Chapter 9-605, Division 6, Title 9, of the San Joaquin County Ordinance Code is hereby amended by adding Subsection (f), to read as follows:

Section 9-605.5 Special Use Regulations

(f) Religious Assembly. A permit approval shall be subject to the following requirements:

- (1) The site development must provide adequate buffers between the religious assembly facilities and adjacent agricultural uses. The buffers shall reduce to less than significant levels any adverse effects the project will have on the operation, maintenance, and security of the existing and potential agricultural uses in the vicinity of the site.
- (2) The site must have direct access to a collector or higher classification roadway for the religious assembly - community use type. This requirement may be modified by the review authority if a traffic study is prepared which demonstrates that the proposed site access adequately serves the project's projected traffic, effectively handles the frequency and volume of traffic generated by the project in a manner that maintains acceptable levels of service on affected roads, and does not adversely impact area agricultural enterprises.
- (3) The site must have direct access to a minor arterial or higher classification roadway for the religious assembly - regional use type. This requirement may be modified by the review authority if a traffic study is prepared which demonstrates that the proposed site access adequately serves the project's projected traffic, effectively handles the frequency and volume of traffic generated by the project in a manner that maintains acceptable levels of service on affected roads, and does not adversely impact area agricultural enterprises.
- (4) The site shall be within two (2) miles of an urban community, for the religious assembly - regional use type. The religious assembly use type shall not be permitted in the Delta Primary zone.

SECTION 2. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this ____ day of _____, 1997, by the following vote of the Board of Supervisors, to wit:

KDUISBD
PASSED ON 12-18-99 5-2

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN RELATIVE TO SECTION 9-805.5, SPECIAL USE REGULATIONS, CONCERNING RELIGIOUS ASSEMBLY IN THE AGRICULTURAL ZONES.

The Board of Supervisors of the County of San Joaquin, State of California, do ordain as follows:

SECTION 1. Section 9-805.5, Chapter 9-805, Division 6, Title 9, of the San Joaquin County Ordinance Code is hereby amended by adding Subsection (m), to read as follows:

Section 9-805.5 Special Use Regulations

(m) Religious Assembly. A permit approval shall be subject to the following requirements:

- (1) The site shall be within two (2) miles of an urban community for the religious assembly - regional use type.
- (2) The religious assembly use type shall not be permitted in the Delta Primary zone.

SECTION 2. This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Stockton Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this _____ day of _____, 1998, by the following vote of the Board of Supervisors, to wit:

AYES:

NOES:

ABSENT:

GEORGE L. BARBER, CHAIRMAN
Board of Supervisors
County of San Joaquin
State of California

ATTEST: LOIS M. SAHYOUN
Clerk of the Board of
Supervisors of the County of
San Joaquin, State of California

By _____ (SEAL)
Deputy Clerk

GUIDELINES FOR RELIGIOUS ASSEMBLY USE TYPE IN AGRICULTURAL ZONES

1. The site development must provide adequate buffers between the religious assembly facilities and adjacent agricultural uses. The buffers shall reduce to less than significant levels any adverse effects the project will have on the operation, maintenance, and security of the existing and potential agricultural uses in the vicinity of the site.
2. The site must have direct access to a collector or higher classification roadway for the religious assembly - community use type. This requirement may be modified by the review authority if a traffic study is prepared which demonstrates that the proposed site access adequately serves the project's projected traffic, effectively handles the frequency and volume of traffic generated by the project in a manner that maintains acceptable levels of service on affected roads, and does not adversely impact area agricultural enterprises.
3. The site must have direct access to a minor arterial or higher classification roadway for the religious assembly - regional use type. This requirement may be modified by the review authority if a traffic study is prepared which demonstrates that the proposed site access adequately serves the project's projected traffic, effectively handles the frequency and volume of traffic generated by the project in a manner that maintains acceptable levels of service on affected roads, and does not adversely impact area agricultural enterprises.

PETITION OPPOSING COUNTY ORDINANCE AGAINST RELIGIOUS ASSEMBLY
(Section 9-605.5 (1) of the S.J. County Ordinance Code)

WHEREAS, such Ordinance against Religious Assembly would impose severe restraints on the ability of people to meet and assemble for religious purposes outside of urban areas;

WHEREAS, such Ordinance singles out Religious Assembly in violation of the First Amendment of the U.S. Constitution which forbids the passage of any law that restricts the free exercise of religion;

WHEREAS, extensive regulations already exist, including the requirement of a Use Permit in all agricultural zones, to ensure that any Religious Assembly is consistent with county plans and compatible with adjoining uses and that adequate utilities, roadways, and other facilities exist to accommodate same.

THEREFORE, we, the undersigned, do hereby petition the San Joaquin County Board of Supervisors to reject such Ordinance against Religious Assembly and to reaffirm the right of the people of this county to meet and assemble for religious purposes.

	<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>
1.	_____	_____	_____
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3.	_____	_____	_____
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19.	_____	_____	_____
20.	_____	_____	_____
21.	_____	_____	_____

HERUM, CRABTREE, DYER, ZOLEZZI & TERPSTRA, LLP

2291 West March Lane
Suite B100
Stockton, California 95207
(209) 472-7700 (209) 472-7986 Fax
(209) 525-8444 Modesto (209) 525-8484 Modesto Fax

October 29, 1997

Mr. Ken Owen
Executive Director
Christian Community Concerns
P.O. Box 367
Lodi, California 95241

Dear Ken:

You asked me to provide you with a brief analysis of the County's proposed regulation to limit churches in agricultural areas.

PROPOSED ANTI-CHURCH ORDINANCE.

San Joaquin County proposes to amend its zoning regulations by increasing the restrictions imposed upon churches seeking to locate in the agricultural area. These regulations affect any proposed church that may potentially have five hundred or more people attending services.

Even though a broad variety of uses are allowed in the agricultural zone, including canneries, petting zoos, marinas, outdoor sports clubs and child care centers, only churches are identified and subject to additional regulations. The proposed regulation discriminates against religious uses by applying heightened regulations that other uses are exempt from. These proposed regulations include:

1. A geographic limitation for locating churches;
2. A limitation on the type of road that must be next to the property which is proposed for a religious use; and,
3. A mandatory buffer between the religious use and any future "potential" agricultural use. The terms "buffer" and "potential agricultural use" are not defined in the ordinance.

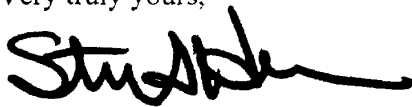
There are many problems with this ordinance. First, by placing a burden on religious activities the proposed ordinance is unconstitutional. Second, it will restrict the number of churches. Our County needs more churches not fewer churches. Third, there

Mr. Ken Owen
October 29, 1997
Page 2

is no evidence that Churches are "bad" neighbors or interfere with farming practices. Fourth, the present regulation requires the County to fully evaluate the potential environmental and traffic consequence of the church location. Fifth, the ordinance is vague and ambiguous,

Ken, please call me if you have further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Herum", with a long horizontal flourish extending to the right.

STEVEN A. HERUM
Attorney-at-Law

SAH:lam

Locating churches: Try common sense

"If it ain't broke, don't fix it."

That bit of folk wisdom should be heeded by the San Joaquin County Planning Commission and the Board of Supervisors as they consider new regulations on the location of churches.

They should leave well enough alone. No new regulations are needed.

Churches — and we use that word to include the sanctuaries and facilities of all religious organizations — have been part of the urban and rural social fabric of this county since its formation in the mid-1800s.

The land-use conflicts have been few. All have been mitigated.

County planners proposed limiting large churches to commercially zoned areas in the 1992 revision of the county General Plan. Supervisors properly eliminated the restriction and instead required churches to go through a standard planning review and permit process.

Now, planners propose barring houses of worship that hold more than 500 people from agricultural zones more than two miles from existing urban areas.

It is another arbitrary restriction that should be rejected.

This is not a religious-freedom issue as the Roman Catholic Diocese of Stockton, Christian Community Concerns and others argue.

It is a land-use issue. Period. The churches tread on shaky ground when they assert — as Monsignor James E. Cain, vicar general of the Diocese of Stockton, does — that "the General Plan should promote and not discourage churches."

The General Plan, like every action of government, should be neutral on all matters of religion.

The requirement of neutrality is the essential thrust of the First Amendment's guarantee of the free exercise of religion.

The U.S. Supreme Court reaffirmed that earlier this year when it struck down the 1993 Religious Freedom Restoration Act that attempted to free religious organizations from meeting requirements imposed on others.

The ruling involved a Texas diocese that was denied a permit to enlarge a church because it is in a historic preservation district.

In upholding the Texas city's decision and overturning the act, Justice Anthony M. Kennedy wrote for the court that the act imposed "a considerable congressional intrusion into the states' traditional prerogatives and general authority to regulate for the health and welfare of their citizens."



The test of the Planning Commission's proposal has to be its fairness:

Does it impose a burden on one potential land use that is not imposed on others?

The answer, in our view, clearly is yes.

Other uses allowed in agricultural zones — they range from petting zoos to child-care centers to marinas — are not burdened with that two-mile requirement.

They clearly create as much potential for conflict with agricultural uses as a church.

And they are no less growth-inducing, to cite one of the arguments of pro-restriction planners, than a church.

(That growth-inducing argument, by the way, strikes us a bit specious; nothing not otherwise already allowed is going into an ag zone unless elected supervisors allow it.)

Supervisors have extended the time period for comment on the proposed new regulations through November.

The public should take advantage of that extension, writing to the Community Development Department, 1810 E. Hazelton Ave., Stockton, CA 95205

Tell them not to create conflicts where none exist. It ain't broke, so ...

Christian group fighting plan to limit church development

County ordinance would keep large churches near cities

By Tamma Adamek
Record Staff Writer

A conservative Christian organization representing 250 area churches has mounted an 11th-hour campaign against a proposed county law that could keep large congregations from setting up their steeples on prime farmland.

Members of Christian Community Concerns have gathered more than 800 signatures on petitions that call the proposed law a violation of churches' consti-

tutional rights.

The group plans to present the signatures to county planning commissioners Thursday night, when the commission is expected to vote on the proposed ordinance. If approved, the new rule will be passed on to the Board of Supervisors for a final vote.

"First of all, we're saying this is unconstitutional. It violates the First Amendment ... laws that guarantee the free exercise of religion," said Ken Owen, Christian Community Concerns founder.

The ordinance would limit construction of large churches — those with more than 500 members — to land within two miles of cities.

"We are very concerned about preserv-

Planners to meet

San Joaquin County planning commissioners will meet at 6:30 p.m. Thursday in the county Department of Public Health Services Auditorium, 1601 E. Hazelton Ave.

ing the valuable ag land in our county, which is finite — it's not being replaced as it's being taken out," said Jeri Hansen, program director for the San Joaquin Farm Bureau Federation.

"And then there's the potential for leapfrog development. Here sits a church where people are going. ... Then they

have a community hall, then they build a school, then people want to live there. It could lead to urban sprawl."

Owen, whose organization works with about 250 churches, doubts there will be a proliferation of large churches on county agricultural land without the ordinance.

He accused Farm Bureau members of being greedy and of singling out churches.

"These regulations are tougher for churches. ... (Churches) are subject to a lot of regulation that nobody else is."

Not far from Owen's rural Lodi home is the Micke Grove Golf Links, a course he accuses of swallowing up large amounts of farmland and bringing additional traffic to the area.

"The Farm Bureau basically is paranoid that the churches are going to overrun the county and there's not going to be any land use for agriculture," he said. "We're saying you allow golf courses and marinas and all kinds of other (businesses), but you don't worry about them."

As program director for the Farm Bureau, Hansen represents 5,000 farm interests in San Joaquin County. She said the lobbying group is simply concerned about preserving farmland.

"It's not necessarily just churches," she said. "Those just happen to be the issue. Really (our concern) could fall under any sort of development in the agriculture zone. That's what we're talking about is development and trying to preserve the agriculture property."

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TUESDAY DEC 16 97 SAN JOAQUIN SPECIAL

Friday,
December 19,
1997

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Church building projects restricted in ag areas

STOCKTON (SJNS) — Planning commissioners in a 5-2 vote approved a new ordinance that would prevent large churches from building in agricultural areas any further than two miles from urban areas.

Other stipulations in the proposed ordinance requiring that churches build only on larger roads and build a buffer between the church and agriculture are listed in the ordinance only as guidelines.

County supervisors will consider whether to adopt the ordinance next month.

Supervisors must approve the ordinance before it takes affect.

"I believe that it's sad, that it's going to divide the church and the Planning Commission in this situation," Ken Owen of Christian Community Concerns said. "Our efforts will have to be geared toward the Board of Supervisors."

Owens' group had distributed a petition, collecting 1,957 signatures against the ordinance.

Commissioners Tim Howard and Patrick Stockar voted against the ordinance, saying that existing restrictions are enough to prevent any land-use conflicts between churches and farmland.

Commissioners heard testimony and deliberated for almost 3½ hours before reaching a decision.

Religious groups opposed to the ordinance said it unfairly singled out churches and may unconstitutionally affect freedom of religion.

The San Joaquin Farm Bureau Federation promoted the ordinance, saying farmland needed to be protected

from urban sprawl possibly created by churches. In addition, developments such as churches affect how farmers can apply pesticides.

"I believe that it's sad, that it's going to divide the church and the Planning Commission in this situation. Our efforts will have to be geared toward the Board of Supervisors."

Ken Owen,
Christian Community Concerns

Friday, December 19, 1997 •

Paul Feist, Metro Editor
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E-mail: pfeist@recordnet.com

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Church-limits proposal passed by planners

By Amy Starnes
Record Staff Writer

The San Joaquin County Planning Commission approved by a 5-2 vote late Thursday night an ordinance to limit the creation of large churches to a 2-mile radius of urban areas.

Commissioners Tim Howard and Patrick Stockar voted against the proposed ordinance. The issue now goes to the county Board of Supervisors for consideration.

The vote came despite opposition from many of the roughly 75

residents who attended a nearly four-hour meeting.

The idea is to keep large churches and other religious assemblies in and around urban areas and to protect dwindling agricultural land. Large churches are those having more than 500 parishioners.

Ken Owen, Christian Community Concerns founder, presented the commissioners with 1,712 signatures on a petition against the ordinance and said he had another 245 that would be turned over soon.

Owen, whose conservative Christian group represents 250 area churches, said the petitioners oppose the ordinance because it singles out churches and not other entities, the ordinance is not needed, and it's an unconstitutional attempt to place regulations on religion.

"If you adopt this ordinance you are saying that farming is above the county's need for spiritual growth," said Owen, who feels the county is "under-churched."

Owen argued that the number

of churches in the county isn't growing fast, and the ordinance is attempting to treat a problem that doesn't exist.

Stockar told residents the commission was actually trying to help churches with the ordinance they found so offensive.

In the past there has been a problem with at least one church picking a rural site that was not conducive to their operation, he said.

"We're literally trying to help in locating that perfect site or near-perfect site," Stockar said.

Only two people spoke in favor of the ordinance.

Bill Koster, president of the San Joaquin Farm Bureau Federation, argued that schools, businesses, churches and other entities people frequent create problems for farmers, especially those whose crops require heavy spraying of pesticides.

"It ends up costing the farmers more to farm around these places ... Out in the middle of nowhere, it just doesn't work with agriculture," Koster said.

Ordinance opponents argued

that there doesn't seem to be a concern about pesticide use around golf courses, which constantly have people roaming the length of the courses, and essentially, churches are willing to take the same risks.

"We have a higher power we can call upon to keep us healthy," Owen said, drawing laughter and applause from the audience.

Jeri Hansen, program director of the Farm Bureau pointed out, "The core of this issue remains proper and intelligent land-use planning."